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FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Revision of the Commission's)

Rules to Ensure Compatibility)

with Enhanced 911 Emergency)

Calling Systems)

CC Docket No. 94-102

COMMENTS OF AT&T WIRELESS SERVICES, INC.

Pursuant to the Commission's Public Notice in the above-captioned proceeding, AT&T Wireless Services, Inc. ("AT&T"), hereby submits its comments on the request of the King County, Washington E-911 Program Office for assistance in resolving a conflict on the implementation of Phase I E911 service in the State of Washington.^{1/} In particular, King County asks the Wireless Bureau ("Bureau") to clarify whether the funding of certain network and database components of Phase I service and the interface of these components to the existing E911 system are the responsibility of wireless carriers or PSAPs.^{2/}

In most jurisdictions in which it has deployed Phase I service, AT&T and the PSAPs have agreed that the demarcation point that separates the responsibilities of wireless carriers and PSAPs for providing various components and upgrades for Phase I implementation is AT&T's wireless switch. For reasons unique to Washington, AT&T is willing to bring E911 calls to the selective router on the incumbent LEC network. Under no circumstances, however, should

^{1/} See Public Notice, Wireless Telecommunications Bureau Seeks Comment on Phase I E911 Implementation Issues, CC Docket No. 94-102 (rel. August 16, 2000) ("Notice").

^{2/} Id.

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AT&T be required to bear the costs of upgrading the networks of Washington PSAPs beyond the selective router. Nor should the Commission disrupt arrangements made in other states through designation of a demarcation point at any location other than the wireless switch.

AT&T has taken the steps necessary to provide Phase I E911 services in Washington and it is prepared to deliver emergency calls to PSAPs pursuant to the Commission's rules. In this regard, AT&T is able to provide the Phase I E911 information to PSAPs in a format suitable for their use without the installation of additional equipment or upgrades.^{3/} In addition, during the Phase I E911 deployment process AT&T maps its service areas by cell site and PSAP location and, through a database query, identifies the PSAP to which to route 911 calls based on the cell site at which the call is originated. That information is forwarded by AT&T's mobile switch to the selective router with each 911 call.

While the requirement that wireless carriers do everything necessary to implement Phase I service in their own networks is perfectly clear, the Commission has also emphasized that PSAPs must be able to receive and utilize - - and bear the costs of receiving and utilizing - - Phase I E911 data.^{4/} This requirement must at least include PSAP assumption of financial responsibility for those ILEC facilities necessary to deliver the wireless data from the ILEC's selective router to the PSAP.

^{3/} King County states that some carriers have refused to convert the 20-digit Phase I information to a usable format without cost recovery. See Letter from Marlys R. Davis, King County E911 Program Manager to Thomas J. Sugrue, Bureau Chief Wireless Telecommunications Bureau, at 2 (May 25, 2000) ("King County Letter"). This is not an issue with regard to AT&T's E911 system.

^{4/} Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Second Memorandum Opinion and Order, 14 FCC Rcd 20850, 20877 (rel. Dec. 8, 1999).

Designating the wireless switch as the demarcation point between the wireless and E911 networks is appropriate for a number of reasons. First, AT&T has no control over the wireline E911 network, which, according to the Commission, includes “all facilities and equipment beyond the wireless carrier’s switch necessary to transmit wireless 911 calls to PSAPs.”^{5/} While AT&T is willing to assume responsibility in the State of Washington for leasing facilities and carrying traffic past its switch to the selective router, doing so after that point makes no sense.^{6/} As a matter of practicality, the PSAPs, not wireless carriers, determine how many trunks they need or desire and how they would like the facilities to be configured. From a legal standpoint, only the PSAPs are in a position to contract with ILECs for the facilities and set up billing arrangements. These trunks do not touch the wireless network and are dedicated to the individual PSAPs. They cannot reasonably be construed to be part of an individual wireless provider’s obligation to implement E911 service.

Second, the PSAPs in Washington have been collecting surcharges from wireless customers and they should cover the minor costs of receiving E911 calls out of these funds. Like King County, AT&T hopes to keep the taxes on its subscribers as low as possible and, therefore, it has no interest in passing on unnecessary costs to PSAPs. However, there is no question that the wireless carriers are not the consumers of facilities installed after the wireless switch. Indeed, if wireless carriers were to assume such costs (for which there is no recovery mechanism), PSAPs would have no incentive to exercise efficiency in the ordering and deployment of trunks.

^{5/} Notice at n.3.

^{6/} Washington is different than other jurisdictions in that wireless carriers in that state were required to deliver ANI to PSAPs prior to the adoption of the Commission’s Phase I order. Accordingly, trunking between the wireless switch and E911 selective router already exists, and the recurring costs for those facilities are nominal.

Finally, it would be unreasonably discriminatory to require wireless carriers to bear E911 costs that are not imposed on wireline carriers. As King County acknowledges, “[t]raditionally, network and data base services have been considered to be elements of the E911 service that is ordered by PSAPs from telecommunications companies.”^{7/} In other words, PSAPs have paid, and continue to pay, ILECs the tariffed rate for all facilities between the wireline switch and the PSAP location. Although PSAPs may have a legitimate reason for wanting separate wireless and wireline trunk groups, wireless carriers should not have to subsidize ILECs by paying for facilities on behalf of PSAPs. This would result in a windfall to ILECs and unfairly penalize wireless customers.

^{7/} King County Letter at 1.

CONCLUSION

For the foregoing reasons, the Bureau should clarify that the demarcation point that separates the responsibilities of carriers and PSAPs to pay for network upgrades and facilities to implement Phase I technologies is the wireless switch. Although AT&T is willing to cover the costs of facilities between its network and the E911 selective router in Washington State, the Commission should not interpret that to mean that the selective router is an appropriate demarcation point in other jurisdictions. AT&T is eager to begin providing its customers with the benefits of E911 service but, to do so, it should not have to bear costs that rightfully belong to PSAPs or ILECs.

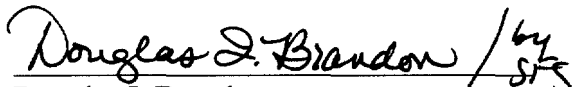
Respectfully submitted,

AT&T WIRELESS SERVICES, INC.

Howard J. Symons
Sara F. Leibman
Bryan T. Bookhard
Mintz, Levin, Cohn, Ferris, Glovsky
and Popeo, P.C.
701 Pennsylvania Avenue, NW - Suite 900
Washington, D.C. 20004
202/434-7300

Of Counsel

September 18, 2000


Douglas I. Brandon
Vice President - External Affairs
1150 Connecticut Avenue, N.W.
Suite 400
Washington, D.C. 20036
202/223-9222

CERTIFICATE OF SERVICE

I, Andrea Willis, hereby certify that on this 18th day of September 2000, I caused copies of the foregoing "Comments of AT&T Corp." to be sent to the following by either first class mail, postage prepaid, or by hand delivery (*):

Nancy Boocker*
Deputy Chief
Policy Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Kris A. Monteith*
Chief
Policy Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

E. Wendy Austrie*
Policy Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Marlys R. Davis
E-911 Program Manager
King County E-911 Program Office
Department of Information and
Administrative Services
7300 Perimeter Road South, Room 128
Seattle, WA 98108-3848

ITS*
1231 20th Street, N.W.
Washington, D.C. 20054



Andrea Willis